

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KATHLEEN M. PITZER,)	
)	
Plaintiff,)	Civil Action No. 10-1564
)	
v.)	Magistrate Judge Bissoon
)	
RINGGOLD AREA SCHOOL)	
DISTRICT,)	
)	
Defendant.)	

ORDER

Defendant Ringold Area School District's Motion (Doc. 24) for reconsideration or clarification will be denied as presented, although the Motion will be construed as a request for judgment on the pleadings regarding Plaintiff's claim for punitive damages under the PHRA.¹

By Order dated August 22, 2011, the Court dismissed Plaintiff's claims for punitive damages under Title VII and the ADEA. *See* Doc. 23 at 1. Otherwise, the undersigned ruled on Defendant's arguments for dismissal, and Plaintiff's responses thereto, in the same manner in which they were presented. Accordingly, Defendant's request for reconsideration or clarification is denied.

In a footnote to Defendant's supporting brief, however, Defendant asserts that punitive damages are unavailable against it under the PHRA. *See* Def.'s Br. (Doc. 25) at 3 n.1. Defendant admits that this argument was not asserted in Defendant's Motion to Dismiss, though, to be fair, punitive damages under the PHRA are not expressly requested in the Complaint.

¹ All of the claims against individual Defendant Dwayne Homa have been dismissed. *See* Order dated Aug. 22, 2011 (Doc. 23) at 1. Mr. Homa, therefore, has been terminated as a named Defendant in this case.

See Doc. 1 at Count III. In any event, Defendant states its intention to seek judgment on the pleadings regarding punitive damages under the PHRA. *See* Def.'s Br. at 3 n.1.

In light of the relevant legal precedent,² the Court sees little benefit to delaying adjudication of Plaintiff's putative claim for punitive damages under the PHRA.³ Thus, Defendant's request for reconsideration/clarification is construed as a Motion for Judgment on the Pleadings, and Plaintiff may respond to that Motion by **September 12, 2011**. Should Plaintiff fail to timely respond, the Court will assume that she acquiesces to the dismissal of any claim for punitive damages under the PHRA.

IT IS SO ORDERED.

September 1, 2011

s/Cathy Bissoon
Cathy Bissoon
United States Magistrate Judge

cc (via ECF email notification):

All Counsel of Record

² *See* Gagliardo v. Connaught Labs., Inc., 311 F.3d 565, 570 n.3 (3d Cir. 2002) (punitive damages are not available under PHRA) (citing Hoy v. Angelone, 691 A.2d 476, 483 (1997)).

³ For the purposes of the instant ruling, the Court assumes, without deciding, that Plaintiff has sufficiently pleaded a claim for punitive damages under the PHRA.